

Application No. 09/699,367  
Amdt. dated December 10, 2003  
Reply to Office Action of August 13, 2003  
Docket No. 2001-1234-1

**APPENDIX:**

The Appendix includes the following item:

- a 37 CFR 1.132 Declaration



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Van Eijck et al.

Serial No.: 09/125,363; c-i-p. 09/699,367.

Filed: September 1, 1998 (International filing: February 17, 1997)

Title: Process for producing a fried foodstuff

Group: 1761

Examiner: Corbin, A.L.

February 21th, 2001

DECLARATION UNDER 37 CFR SECTION 132

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I, Eugenius Paulus Henricus Maria Schijvens residing at (address) Korenbloemstraat 2a, (town:) 6871 WE Renkum, The Netherlands, do hereby declare that:

1. I am a citizen of the Netherlands,
2. My educational and technical background in the field of food processing is as follows:
  - a) I am a graduate in Food Science from the University of Agricultural Wageningen, the Netherlands in 1974;
  - b) I have been employed by the Institute for Agrotechnological Research (ATO-DLO) since 1989, presently as a senior scientist, where I have extensive experience in fruit and vegetable processing;

and I, Jaap Hulstein, residing at (address:) De Ververt 11-61, (town:) 6605 AC Wijchen, The Netherlands, do hereby declare that:

3. I am a citizen of the Netherlands,
4. My educational and technical background in the field of food processing is as follows:
  - a) I am a professional chemical analyst;
  - b) I have been employed by the Institute for Agrotechnological Research (ATO-DLO) since 1989, presently as a research analyst, where I have extensive experience in potato processing;
5. We have read Van Eijck et al. US application SN 09/125,363 filed September 1, 1998, and the continuation-in-part-application filed October 30, 2000;
6. We declare that the following experiments have been carried out under our supervision to determine the effect of a quick pressure drop in a french fries production as described in the Van Eijck et al. application on the crispness of the french fries:
7. A series of french fries samples was produced by washing, knife peeling (3 min.), washing, cutting (10x10mm) and washing, sorting, blanching I (80°C, 4 min.), blanching II (65°C, 7 min.), dewatering (10x shaking), drying, steam-treatment with pressure drop for crispier product with a 60l Komen&Kuin steam-peeling vessel, par-frying (180°C, 1 min.) in hardened palm fat, defatting (10x shaking), cooling one layer (4°C, 15 min.), freezing one layer (blast-freezer, -30°C 15 min.), packing and storage at -18°C. Cooling and freezing conditions were chosen such that all french fries reached set temperatures within the period for cooling and freezing. The steam-peeling vessel was run dry before putting in any product, so as to prevent condensate from having a negative effect on the steam treatment for crispness. For each condition the trials were repeated 3 times.
8. The samples were made from potato varieties Bintje (average weight in water: 425 [g/500g], dry matter content: 22.9%) and Agria (average weight in water: 393 [g/500g], dry matter content: 21.3%) respectively. The samples for each variety differed for the conditions of the steam treatment prior to the drying step. The following conditions were applied: 0 (no treatment), 2.5, 5.0, and 10.0 bar over-pressure. The over-pressure was applied for 10 seconds, after which an immediate pressure-drop was conducted (within 1-2 seconds).
9. A trained objective panel (n=11) evaluated treated and untreated samples of potato french fries presented at random and without any information to the panelists on

the conditions of processing. The samples were taken from two out of three lots, mixed and then fried in hardened palm fat at 180°C for 2 minutes. The panelists scored the samples on a pre-set number of attributes immediately (within 1 minute) after finish-frying, and after a holding time of 10 minutes after finish-frying. The products were judged for surface and kernel attributes, wherein crispness refers to the crispness of the surface only, in contrast to hardness which refers to hardness of the surface and the kernel. With an F-comparison test attributes giving significant difference between samples were identified. In table 1 the results from the overall-score are shown.

Over-pressure steam-treatment (bar)	Overall crispness score Agria (scale 1 poor – 10 good)	Overall crispness score Bintje (scale 1 poor – 10 good)
0	5.3	5.8
2.5	5.2	6.1
5.0	5.7	6.1
10.0	7.1	6.7

10. From the results it is concluded that for french fries made from potato having an initial water content of approximately 78% a higher steam-pressure gives a more crispy product and this crispiness is even evident after 10 minutes holding time. From the overall score it follows that the optimum product quality with respect to crispness and appearance is effected at approximately 10 bar over-pressure. It should be noted that the crispness was judged on the basis of a textural difference between kernel and surface. This is contrary to Sugisawa et al. (US Patent 4,585,660), who disclose a uniform texture throughout the product.
11. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Wageningen February 21, 2001  
(place) (date)

Eugenius P.H.M. Schijvens

Jaap Hulstein

